

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

WEARABLE SHOE TREE LLC,

Plaintiff,

v.

THE INDIVIDUALS, BUSINESS ENTITIES, AND
UNINCORPORATED ASSOCIATIONS IDENTIFIED ON
EXHIBIT 1,

Defendants.

Civil Action No. 4:24-cv-334-SDJ

SUPPLEMENT TO PLAINTIFF’S APPLICATION FOR PRELIMINARY INJUNCTION

Wearable Shoe Tree LLC (“Plaintiff”) submits this Supplement to Plaintiff’s Application for Preliminary Injunction (Dkt. 21), and hereby shows the Court as follows:

Plaintiff hereby incorporates each fact and legal argument contained in Plaintiff’s Motion for Temporary Restraining Order, Asset Restraining Order, and Expedited Discovery Order (the “TRO Motion,” Dkt. 7). The factual circumstances giving rise to Plaintiff’s requested relief in the TRO Motion remain the same, and preliminary injunctive relief is therefore appropriate to preserve Plaintiff’s claims and potential damages in this lawsuit.

Plaintiff filed its TRO Motion on April 23, 2024. Dkt. 7. The Court granted the TRO Motion on May 7, 2024. Dkt. 17. After holding an initial hearing on June 3, 2024, the Court ordered Plaintiff to undertake further actions to properly notice each Defendant of the preliminary injunction hearing in this lawsuit. Dkt. 28. Plaintiff thereafter noticed the Defendants in this lawsuit of the upcoming preliminary injunction hearing on June 7, 2024, and provided the Court with a list of each remaining defendant, as well as the specific Plaintiff intellectual property that each defendant is alleged to have infringed on June 24, 2024. Dkt. 40. At the June 24, 2024 preliminary injunction hearing, the Court

instructed Plaintiff to provide the Court with supplementary briefing that supports binding each Defendant in this case to the preliminary injunctive relief requested by Plaintiff. *See* Dkt. 21.

Plaintiff, therefore, notices the Court that each of the remaining Defendants in this matter can be found in the attached Exhibit A. Each of these Defendants are identified by their “Doe #” assigned in Plaintiff’s complaint, and each specific Plaintiff intellectual property that each defendant is alleged to have infringed can be cross-referenced between this spreadsheet and Exhibit 2 to Plaintiff’s complaint (Dkt. 3, Ex. 2). Each of the Defendants, therefore, have either infringed one or more of Plaintiff’s trademarks, Plaintiff’s patent, or both. The Declaration of Paul Siragusa, attached as Exhibit B, attests to all of these facts.

Plaintiff has expended significant time, energy, finances, and other resources to promote Plaintiff’s genuine products through its valuable intellectual property—to this end, Plaintiff procured registrations in its trademarks and its patent so that it could protect its valuable intellectual property rights. Defendants nonetheless are illegally benefitting from Plaintiff’s work product, and unless enjoined, Defendants will continue to irreparably deprive Plaintiff from enjoying exclusive use of its intellectual property. Plaintiff therefore respectfully requests that this Court enter a preliminary injunction against each of the Defendants in the form submitted herewith.

Dated: June 24, 2024

Respectfully submitted,

SCALE LLP

By: /s/ Charles A. Wallace
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ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2024, I caused a true and correct copy of the foregoing to be filed on the Court's CM/ECF system, which served notice on all counsel of record.

By: /s/ Charles A. Wallace
Charles A. Wallace